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MAIL STOP PCT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Yasutoshi KÓGA et al.

SERIAL NUMBER: 10/530,056

FILED: April 4, 2005

FOR: COMPOSITION FOR PREVENTING/TREATING THE EXPRESSION OF
CLINICAL SYMPTOM IN DISEASE CAUSED BY MITOCHONDRIAL DYSFUNCTION**RESPONSE TO NOTICE OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

COMMISSIONER FOR PATENTS
Box PCT
Alexandria, VA 22313

SIR:

Responsive to the notification dated August 25, 2005, and in accordance with the provisions of 35 U.S.C. 371, Applicants submit herewith a Rule 63 Declaration.

The Rule 63 Declaration being filed herewith is accompanied by an English translation. The translation is accurate (37 CFR 1.69.)

In light of the foregoing, this application is deemed to be in proper condition for examination and such favorable action is earnestly solicited.

Our payment in the amount of \$-0.00- is attached hereto. If any variance exists between the amount enclosed and the required Government fee, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136 and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time may be charged to Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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Surinder Sachar

Norman F. Oblon
Attorney of Record
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Customer Number

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

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|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/530,056 | Yasutoshi Koga | 268949US0X PCT |

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| INTERNATIONAL APPLICATION NO. | |
| PCT/JP03/12891 | |

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|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
| 10/08/2003 | 10/01/2002 |

22850
OBLOM, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

CONFIRMATION NO. 7447
371 FORMALITIES LETTER
OC000000016784900
OC000000016784900

ET

Date Mailed: 08/25/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/04/2005
- Copy of the International Search Report filed on 04/04/2005
- Copy of IPE Report filed on 04/04/2005
- Information Disclosure Statements filed on 04/04/2005
- Request for Immediate Examination filed on 04/04/2005
- Copy of references cited in ISR filed on 04/04/2005
- U.S. Basic National Fees filed on 04/04/2005
- Priority Documents filed on 04/04/2005

RECEIVED: 8/26/05
CBLON, SPIVAK, McCLELLAND
MAIER & NEUSTADT, P.C.
DOCKETING DEPT
Initials/Date Docketed: 08/26/05
Type of Resp(s): DEC
Due Date(s): 10/25/05

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

DEBORAH D WILLIAMS

Telephone: (703) 308-9140 EXT 205

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/530,056 | PCT/JP03/12891 | 268949US0X PCT |

FORM PCT/DO/EO/905 (371 Formalities Notice)